

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

OMAR ALSOOFI,

Plaintiff,

Case No. 23-cv-10686
Hon. Matthew F. Leitman

v.

UNITED STATES MERIT
SYSTEMS PROTECTION
BOARD,

Defendants

**ORDER (1) ADOPTING RECOMMENDED DISPOSITION OF REPORT
AND RECOMMENDATION (ECF No. 13) AND (2) GRANTING
DEFENDANT’S MOTION TO DISMISS (ECF No. 8)**

In this action, Plaintiff Omar Alsoofi seeks review of a final decision of the United States Merit Systems Protection Board (the “Board”). (*See* Compl., ECF No. 1.) On March 23, 2023, the Board moved to dismiss Alsoofi’s Complaint. (*See* Mot., ECF No. 8.) The motion was referred to the assigned Magistrate Judge. (*See* Order, ECF No. 9.)

On November 2, 2023, the Magistrate Judge issued a Report and Recommendation in which he recommended granting the Board’s motion and dismissing Alsoofi’s Complaint without prejudice (the “R&R”). (*See* R&R, ECF No. 13.) The Magistrate Judge concluded that dismissal was appropriate because (1) Alsoofi’s “allegations [were] insufficient to state a claim for relief” and (2) the Board

was not the proper Defendant. (*Id.*, PageID.70-71.) At the conclusion of the R&R, the Magistrate Judge informed the parties that if they wanted to seek review of his recommendation, they needed to file specific objections with the Court within fourteen days. (*See id.*, PageID.73-74.)

Alsoofi has not filed any objections to the R&R. Nor has he contacted the Court seeking additional time to file objections. The failure to object to an R&R releases the Court from its duty to independently review the matter. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985). Likewise, the failure to file objections to an R&R waives any further right to appeal. *See Howard v. Sec’y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *Smith v. Detroit Fed’n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987).

Accordingly, because Alsoofi has failed to file any objections to the R&R, **IT IS HEREBY ORDERED** that the Magistrate Judge’s recommended disposition of the Board’s motion to dismiss is **ADOPTED**.

IT IS FURTHER ORDERED that the Board’s motion to dismiss (ECF No. 8) is **GRANTED** and Alsoofi’s Complaint is **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: November 29, 2023

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on November 29, 2023, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

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